

509A
9-17-17

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)
v.)
Manuel Cortez-Arellanas,)
a.k.a.: Gerardo Canales-Canales,)
(A200 898 442))
Defendant)

Case No. 17-9414 mJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 17, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Manuel Cortez-Arellanas, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about September 26, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jennifer Levinson

☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: September 18, 2017


Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 17, 2017, Manuel Cortez-Arellanas was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Cortez-Arellanas was examined by ICE Officer M. McGuire who determined Cortez-Arellanas to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 17, 2017, Cortez-Arellanas was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Cortez-Arellanas was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Manuel Cortez-Arellanas to be a citizen of Mexico and a previously deported criminal alien. Cortez-Arellanas was removed from the United States to Mexico at or near Nogales, Arizona, on or about September 26,

2011, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Cortez-Arellanas in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Cortez-Arellanas' immigration history was matched to him by electronic fingerprint comparison.

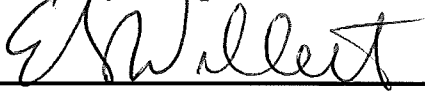
4. Criminal history checks revealed that Manuel Cortez-Arellanas was convicted of Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs With A Person Under the Age of 15 in the Vehicle, a felony offense, on or about June 6, 2011, in the Superior Court of Arizona, Maricopa County. Cortez-Arellanas was sentenced to four (4) months' incarceration and two (2) years' probation. Cortez-Arellanas' criminal history was matched to him by electronic fingerprint comparison.
5. On September 17, 2017, Manuel Cortez-Arellanas was advised of his constitutional rights. Cortez-Arellanas freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 17, 2017, Manuel Cortez-Arellanas, an alien, was found in the United

States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about September 26, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 18th day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge